

REMARKS

Claims 14-15, 25-30 and 40-55 are all the claims pending in the application, where claims 1-3, 16-24, 31-39 and 56-66 are withdrawn from consideration.

Information Disclosure Statement

The Examiner asserts that the Information Disclosure Statements (IDSs) filed on February 26, 2004, November 15, 2006, February 20, 2008 and June 12, 2008 “fail to comply with 37 C.F.R. § 1.98(a)(3) because [they do] not include a concise explanation of the relevance... of each patent listed that is not in English language” (Office Action, page 2).

With respect to the IDS filed on February 26, 2004, Applicant respectfully submits that, as indicated in the filed statement, the cited references are discussed within the specification of the instant application beginning at page 2, line 2. Accordingly, Applicant respectfully submits that the IDS of February 26, 2004 complies with 37 C.F.R. § 1.98(a)(3).

With respect to the IDSs filed on November 15, 2006, February 20, 2008 and June 12, 2008, Applicant respectfully submits that a translation of relevant portions of the Japanese Office Actions of September 6, 2006, January 22, 2008, and April 15, 2008, citing the submitted references, were respectively submitted with filed statements, and is sufficient to meet the concise explanation of relevance requirement. Section 609.04(a)(III) of the MPEP clearly states that “Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, **the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report** or action which indicates the degree of relevance found by the

foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report." Accordingly, Applicant respectfully submits that the IDSs of November 15, 2006, February 20, 2008 and June 12, 2008 comply with 37 C.F.R. § 1.98(a)(3).

Objections to the Specification

The abstract of the specification is object to due to minor informalities. Specifically, the Examiner asserts that the phrase "the execution of content is linked with the ticket" (emphasis added) should be replaced with "the execution of content is linked with the ticket" (emphasis added).

In view of the self-explanatory amendment to the abstract, Applicant respectfully requests reconsideration and withdrawal of the objection.

Claim Rejections under 35 U.S.C. § 101

Claims 14 and 15 are rejected under 35 U.S.C. § 101 as allegedly directed toward non-statutory subject matter. Specifically, the Examiner asserts that "[there] is no further disclosure in the specification as to how the aforementioned 'means for' are implemented". In view of the self-explanatory amendments to claims 14 and 15, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 40-50 are rejected under 35 U.S.C. § 101 as allegedly directed toward non-statutory subject matter. Specifically, the Examiner asserts that "[functional] descriptive material such as a **program** must be claimed in combination with an appropriate tangible computer medium in order to be statutory" (Office Action, page 3). In view of the self-

explanatory amendments to claims 40 and 50, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim Rejections under 35 U.S.C. § 112

Claims 14 and 15 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner asserts that claims 14 and 15 “recite ‘*means for*’ language [for which] there is no structure disclosed in the specification” (Office Action, page 4), and that the limitations of “the existence” and “the performance” recited in claims 14 and 15, respectively, have insufficient antecedent basis. In view of the self-explanatory amendments to claims 14 and 15, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim 46 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner asserts that the limitation of “the performance” recited in claim 46 has insufficient antecedent basis. In view of the self-explanatory amendments to claims 46, Applicant respectfully requests reconsideration and withdrawal of the rejection.

The Examiner also indicates that the claimed feature of “performance” recited in claims 15 and 46 is unclear. In the Office Action, the Examiner asks what is meant by “performance” and how it should be interpreted (Office Action, pages 4-5). Applicant respectfully refers to paragraphs 148 and 149 of the published application to address the Examiner’s questions. The cited paragraphs disclose that “the same content that is originally expected to run on a mobile information terminal can be executed in higher sound and picture quality”. The specification continues to disclose that “[this] is because an external device has a better performance than a

mobile information terminal". The claimed feature of "performance" relates to the level of quality a device is able to execute.

Claim Rejections under 35 U.S.C. § 102

Claims 25-26 and 29-30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Satoshi Abe (JP 2001-273135; hereinafter "Abe"). For at least the following reasons, Applicant respectfully traverses the rejection.

Claims 25 is amended merely to more clearly recite the claimed invention. The amendments are not believed to affect the scope of the claims in any way. Specifically, claim 25, as amended, recites a method for an external device to execute content, comprising receiving condition of the use of content from a mobile external device, acquiring content from a content server, executing content, terminating execution of content, and deleting said condition of the use of content.

Abe discloses that "using the portable telephone 1 with authentication functionality makes it possible to use the desired software, without having to rely on one specific personal computer 2" (paragraph 23). Abe discloses several scenarios relating to authentication and conditions for the use of software on the portable telephone 1. For example, when the portable telephone 1 is inserted into the personal computer 2, the portable telephone may perform authentication to determine whether or not the personal computer 2 is authorized (paragraph 25). After authentication, if the software usage license is in the memory of the portable telephone 1 and the software is present in the memory of the personal computer 2, the software is usable on the personal computer 2 (paragraph 27). Alternatively, if both the software usage license and

software are in the memory of the portable telephone 1, the software is launched from the portable telephone 1 (paragraph 28). That is, Abe disclose that by “making clear the usage permission of the software” via the software usage license stored on the portable telephone 1, convenience with respect to executing the software on different personal computers, is achieved (paragraph 29). Abe does not teach or suggest the personal computer 2 receiving a condition of the use of content from the portable telephone 1. Instead, the portable telephone 1 merely allows or disallows the use of a software by the personal computer 2. That is, the personal computer 2 is never aware of the conditions of the software usage license.

Abe further discloses that “regarding upgrading and purchasing of software, the portable telephone 1 places a call to the authentication server 3 in which the software is stored, and ID authentication is received, and upgrading and purchasing processes are performed” (paragraph 36). As an example, Abe discloses that when “the software usage license **in the portable telephone** or the upgrading action of the software is accompanied by a maintenance contract, the upgrading license of the software itself are downloaded through the portable telephone 1 at night if so desired” (paragraph 37). Again, Abe fails to teach or suggest the personal computer 2 receiving a condition of the use of content from the portable telephone 1.

Accordingly, Applicant respectfully submits that claim 25 is patentable over the applied reference. Applicant further submits that claims 26, 29 and 30 are patentable at least by virtue of their dependency on claim 25.

Claim Rejections under 35 U.S.C. § 103

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Hara (U.S. Publication No. 2003/00058086; hereinafter “Hara”). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Hara and further in view of Hamada et al. (JP 2002-163170; hereinafter “Hamada”). Claims 27-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Hori et al. (U.S. Publication No. 2004/0010467; hereinafter “Hori”). Claims 40, 42-44 and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini et al. (U.S. Publication No. 2002/0099663; hereinafter “Yoshini”) and further in view of Shozo Toritani (JP H11-284757; hereinafter “Toritani”). Claim 41 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Hara. Claim 45 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Isamu Iwamoto (JP 2002-024178; hereinafter “Iwamoto”). Claim 46 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Hamada. Claim 47 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Candelore (U.S. Patent No. 7,120,250; hereinafter “Candelore”). Claim 49 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Safadi (U.S. Publication No. 2003/0126086; hereinafter “Safadi”). Claim 50 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Toritani in further view of Sochi (JP 2002-175084; hereinafter “Sochi”) and further in view of Burger (U.S. Publication No. 2007/0027696; hereinafter “Burger”). Claim 51-

55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Toritani in further view of Sochi further in view of Burger and further in view of Hara. For at least the following reasons, Applicant respectfully traverses the rejections.

Claims 14, 40 and 50 recite one or more features analogous to those discussed above with respect to claim 25. None of the above cited references, independently or in combination, address the deficiencies of Abe with respect to claim 25. Accordingly, Applicant respectfully submits that claims 14, 40 and 50 are patentable at least for reasons analogous to those given above with respect to claim 25. Applicant further submits that claims 15, 27-28, 41-49 and 51-55 are patentable at least by virtue of their respective dependency on claims 14, 25, 40 or 50.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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